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**AN ORDINANCE BY
COUNCILMEMBER JIM MADDOX**

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY") TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY 21.61 ACRES LOCATED AT 0 JAMES JACKSON PARKWAY ("THE BRADEN PROPERTY"), FROM THE TRUST FOR PUBLIC LAND ("TPL"), IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED TWENTY THOUSAND DOLLARS (\$520,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING CHATTAHOOCHEE RIVER TRAIL CORRIDOR. THE CITY'S PURCHASE PRICE, DUE DILIGENCE AND PURCHASE SERVICES SHALL BE PAID FROM PARK IMPACT FEE NORTH FUND 3502-GENERAL GOVERNMENT CAPITAL FUND, 140106-PARKS DESIGN, 5411001-LAND, 6220000-PARKS AREAS, 140201997-PROJECT, 91109-FUNDING SOURCE-NORTH IMPACT FEES; ; AND AMENDING THE 2008 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT BY TRANSFERRING TO ACCOUNT 3502 (GENERAL GOVERNMENTAL CAPITAL FUND) 140106 (PRC PARKS DESIGN) 5411001 (LAND) 6220000 (PARKS AREAS) 201997 (GREEN SPACE PROGRAM,) 91109 (FUNDING SOURCE SWMA LOAN 9989) PROJECT: 14201997, TASK: 101, AWARD: 350291109, EXPENSE: 5411001 LAND, ORG CITY OF ATLANTA THE SUM OF FIVE HUNDRED TWENTY THOUSAND DOLLARS (\$520,000.00); AND AMENDING THE 2008 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT, BY ADDING ANTICIPATIONS AND APPROPRIATIONS ACCOUNT 3502 (GENERAL GOVERNMENTAL CAPITAL FUND) 140106 (PRC PARKS DESIGN) 5411001 (LAND) 6220000 (PARKS AREAS) 201997 (GREEN SPACE PROGRAM,) 91109 (FUNDING SOURCE SWMA LOAN 9989) PROJECT: 14201997, TASK: 101, AWARD: 350291109, EXPENSE: 5411001, LAND, ORG CITY OF ATLANTA; IN AN AMOUNT \$520,000.00ALL COSTS SHALL BE CHARGED TO AND PAID FROM THE ACCOUNT SEGMENT / PTAE0 NUMBERS IDENTIFIED IN THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the Trust for Public Land ("TPL") is negotiating for or has under contract approximately 21.61 acres of property, located at 0 James Jackson Parkway, Parcel Identification Number 17-0256-LL-341-4 ("the Braden Property") for the purpose of expanding the existing Chattahoochee River Trail Corridor which is located along the Chattahoochee River (See Attached Exhibit "A"); and

WHEREAS, TPL has agreed to sell the Braden Property to the City for an amount less than the Fair Market Value ("FMV"), subject to the appropriate City approval processes; and

WHEREAS, the acquisition of the Braden Property from TPL consists of the donation of approximately 11.85 acres from Braden & Associates as a condition of zoning and the sale of approximately 9.76 acres at an amount less than FMV: and

WHEREAS, TPL is a non-profit, 501(c)(3) organization, whose business is to negotiate property donations on behalf of public agencies or to purchase properties, provide tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties; and

WHEREAS, purchasing the Braden Property is consistent with the City's goal of greenspace acquisition, preservation and park expansion.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with the Trust for Public Land to acquire approximately 21.61 acres of real property located at 0 James Jackson Parkway, Parcel Identification Number 17-0256-LL-341-4 (known as "the Braden Property"), at a purchase price less than Fair Market Value.

SECTION 2: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Braden Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to purchase the Braden Property, including but not limited to title insurance, real estate service fees, demolition, development, site development, fencing, cleanup, closing costs and other costs of acquisition ("The City's Due Diligence and Purchase Services").

SECTION 3: The 2008 General Government Capital Outlay Fund Budget, Department of Planning and Community Development is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

\$520,000.00 from 3502 (General Government Capital Fund) 100101 (DOF Chief Financial Officer) 5999901 (Reserve Conversion Account – Class 1) 1320000 (Chief Executive) 201072 (Admin. Development Recoupment Fees) 91110 (Funding Source SWMA Loan 9991)

Project: 10201072

Task: 101

Award: 350291110
Expense: 5999901 RESERVE
Org City of Atlanta

TOTAL **\$520,000.00**

TRANSFER TO APPROPRIATIONS

\$520,000.00 to 3502 (General Governmental Capital Fund) 140106 (PRC Parks Design) 5411001 (Land) 6220000 (Parks Areas) 201997 (Green Space Program, Parks North) 91109 (Funding Source SWMA Loan 9989)

Project: 14201997
Task: 101
Award: 350291109
Expense: 5411001 LAND
Org City of Atlanta

TOTAL **\$520,000.00**

SECTION 4: The City's Purchase Price plus the City's Due Diligence and Purchase Services, in an amount not to exceed Five Hundred Twenty Thousand Dollars (\$520,000.00) shall be paid from Park Impact Fee North Fund 3502-General Government Capital Fund, 140106-Parks Design, 5411001-Land, 6220000-Parks Areas, 201997-Green Space Program, Parks North, 91109-Funding Source SWMA Loan 9989 .

SECTION 5: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Office of Parks, is hereby charged with all responsibility for the Braden Property and shall retain the land in perpetuity as a public park. Nothing in this section shall preclude a neighborhood group(s) or other private entity from maintaining all or part of the property pursuant to an agreement with the City.

SECTION 6: The City's Greenspace Acquisition Consultant, ("the Consultant") is authorized to settle the acquisition of the Braden Property in an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 7: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Braden Property on behalf of the City without further authorization by the City Council.

SECTION 8: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 9: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 10: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.

SECTION 11: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.